Mr. Subbanna Naik.—

Have you no means of finding out the people coming from distant Malnad ?

Second Member of Council —

No.

At this stage, THE DEWAN informed the House that he had received notice of an adjournment motion from Mr. B. S. Puttaswami, regarding payment of water rate below the Rajaparamesvari Nala in T.-Narsipur Taluk. The Dewan added that this might be discussed the next day as a Representation and that in the course of its consideration a statement would be made on the subject.

Representations were then taken up.

REPRESENTATIONS—(*Contd.*)

No. 25.— Selection of Muslim graduates from Malnad parts of the Kadur District to the posts of Revenue Probationers.

Mr. Syed Khaja Peeran, Minority Interest.

MR. SYED KHAJA PEERAN prayed that Muslim graduates of the Kadur District should be selected to responsible posts under Government instead of Muslim graduates from Bangalore, Mysore, Tumkur and Chitaldrug Districts as was generally done at present. He added that much was being done for the improvement of the Malnad by making grants every year and a favourable consideration of this representation would materially advance the interests of the Malnad.

THE DEWAN replied that recently a Muslim candidate had been selected. He said that it may not be possible to make appointments on a territorial basis.

MR. SYED KHAJA PEERAN again represented that no Mussalman candidate from the Kadur District had so far been selected; he prayed that this should be done at least now.

MR. J. MAHOMED IMAM opposed this representation. He did not think that appointments should be made on territorial considerations. That would only lead to dissensions in the community itself. If no one from the Malnad was selected in the past, it was not the fault of the Government. He was quite sure that if the representation was granted, it would give rise to internal parties and feuds.

MR. MIR MAHOMED observed that when Government themselves had made a distinction between Maidan and Malnad, there was nothing wrong in giving different treatments to the two different tracts. When a tract had not received any special treatment in the past, it was but right for the people thereof to ask for some such treatment. He therefore requested that preference should be shown to Muslim applicants from the Malnad, even though persons with higher qualifications were available in the Maidan.

MR. B. P. BASAPPA SETTY said that very recently a certain Mahommedan gentleman from Madras had been appointed by the Mysore University and objected to such importations which were opposed to the existing policy of recruitment. When Madras and other outside places were not appointing Mysoreans freely, he did not see why people from outside should be appointed here. There were enough of qualified men available locally, even from the Muslim community.

MR. S. C. MALLIAH said that he would have been glad if a local man with even lower qualifications had been selected instead of a man from British India. Educational qualifications alone ought not to be the criterion.

MR. B. USMON KHAN observed that the person referred to was a *pucca* Mysorean.

As regards the general question of giving appointments to Muslim applicants from the Malnad parts, he said that it would be bad in principle. He added that the Government was the best authority to judge the fitness of applicants for appointments. Whoever deserved an appointment ought to get it.

No. 26.—Discontinuance of the fees of 8 annas now levied for transferring the patta of each Survey Number to the heir of the deceased registered khatedar.

Messrs. N. Basappa, Holalkere Taluk; G. Mudegowdappa and H. G. Mahadevappa, Davangere Taluk; and G. Chennappa, Holalkere Taluk.

THE THIRD MEMBER OF COUNCIL replied that no fee was leviable in such cases except those falling under Rule 70 of the Land Revenue Rules.

No. 27.—Reduction of Grazing Fees in the State Forests.

Messrs. Sankarasetty and P. Nagarajiah, Pavagada Taluk.

MESSRS. SANKARASETTY and P. NAGARAJIAH represented that the Forest Department were levying a grazing fee of one and a half annas per head of sheep and four

annas per head of cattle for grazing in the State Forest. As sufficient fodder was not available in the Forests on account of scarcity of rainfall, the cattle were put to much inconvenience. They therefore prayed that the grazing fee be reduced by 50 per cent.

MR. MIR MAHOMED said that there was not enough fodder for cattle in Malnad parts and cattle were not allowed to graze in the District and State Forests where there was plenty of grass which was all going to waste. He requested that this grass might be permitted to be cut and removed by the raiyats free of cost.

THE THIRD MEMBER OF COUNCIL replied that the present fee was very low and it was not possible to reduce it further.

MR. SYED KHAJA PEERAN observed that State Forests were being extended almost up to the village limits, even assessed waste was being given away for cultivation on tenure, the fee for grazing in the *gomal* lands was very high and in the result, cattle were suffering much. Besides, when a levy already existed for grazing on *gomal* lands, another fee for grazing in State Forests was not justifiable. He therefore represented that at least in the Malnad no fee should be levied.

THE DEWAN replied that it was not possible to reduce the fee.

MR. G. MALLANNA brought to notice that in connection with the auctioning of the grazing right, there was usually a clause in the notice requiring that cattle should not be allowed to graze within the forest area but that the grass should be cut and removed for their use. He requested that this condition should be removed and cattle allowed to graze in the forests.

THE DEWAN replied that this could not be done, as it would do much damage to the forests.

No. 28.—Reduction of forest grazing fees from eight annas to two annas per head of cattle

Messrs. Basappa, Holalkere Taluk; G. Mudegowdappa and H. G. Mahadevappa, Davangere Taluk; and Bhupalam Nanjundiah, Hosadurga Taluk.

MESSRS. N. BASAPPA, G. MUDEGOWDAPPA and H. G. MAHADEPPA, and BHUPALAM NANJUNDIAH represented that owing to sacrcity of fodder in the Maidan districts, the raiyats were usually in the habit of taking their cattle for grazing purposes to Malnad forests during the summer season. A fee of eight annas per head of cattle was now being

collected by the Forest authorities on such cattle. As this worked as a great hardship to the raiyats of the Maidan parts, they prayed that this fee be reduced to two annas per head of cattle.

THE THIRD MEMBER OF COUNCIL pointed out that the raiyats were formerly paying six annas in each case and what was now expected of them was only eight annas on the whole. This would certainly not work as a hardship. When there was no fodder in a raiyat's own place and he wanted his cattle to be allowed to graze elsewhere, he should not grudge to pay something extra.

MR. H. G. MAHADEVAPPA urged that some concession was really called for.

MR. L. VEMA REDDY said that every raiyat whose cattle grazed in the State Forests within a particular district paid a fee for the purpose; and if, for want of fodder in that district, he took his cattle to another district, he was asked to pay again there also. He did not see any justice in this double levy. After all, it was the same Government that owned both the forests, and no animal could possibly graze in both of them at one and the same time. He therefore asked for sympathetic consideration of the matter, specially in view of the general grievance that *gomal* lands within the village limits were generally bereft of grass.

THE THIRD MEMBER OF COUNCIL was unable to see how there could be any grievance when only eight annas had to be paid as against twelve annas paid formerly.

MESSRS. G. CHANNAPPA and H. C. DASAPPA again urged that the representation was not for the reduction or abolition of the fee, so much as for charging it only in one place. After all, the various districts were only artificial divisions and it was the same State that derived the income, in whichever district it was raised.

THE THIRD MEMBER OF COUNCIL observed that the principle had been accepted in practice for a long time.

MR. H. C. DASAPPA added that he did not see why this request should not be conceded, specially because the Government had stated, in reply to a representation that recruitment to Government service might be made on a territorial basis, that the whole State was to be regarded as the unit.

THE DEWAN stated that when the privilege of grazing over a larger area was granted, it was only fair to levy a higher fee.

CAPT. Y. V. AYYA requested that when cattle did not graze in the particular forest for which a fee was levied, the

fee might be waived in that case and charged only in the place where they grazed.

THE CHIEF CONSERVATOR OF FORESTS replied that formerly a fee of six annas was levied for grazing cattle in a a particular forest and if the same cattle grazed in any other forest, another like fee was also charged. Thus, the total amount paid was twelve annas, and as against that, only eight annas would have to be paid at present, even granting that the fee was charged and paid in both cases.

THE DEWAN added that reduction referred to by the Chief Conservator had been sanctioned only recently and no further reduction was possible.

No. 29.—Abolition of Forest hulbanni.

Messrs. M. Krishnappa and Basappa Gowda, Nagar Taluk; and V. V. Aiyar, Shimoga Taluk.

MR. V. V. AIYAR brought to notice that many raiyats in the Malnad never grazed their cattle in State Forests and yet they were compelled to pay hulbanni. Secondly, even in cases where the raiyats sent their cattle to the forests, they could only do so for a few months in the year because during the rainy season, the cattle could not go out of their sheds. Thirdly, in summer months, fire broke out frequently and all the available grass would get burnt. Fourthly, apart from seasonal considerations, there was barely any grass on the borders or jungles; it could only be found in the thick of the forests. But there, again, there was another thing, *viz.*, the fear of wild animals. In spite of all such inconveniences the raiyats were paying grazing fees. An additional levy like forest hulbanni was therefore not just.

MR. M. RAMASWAMI said that the *gomal* allowed to the villages was barely one-fourth the extent formerly allowed. Much of the original *gomal* had been given away for cultivation and cattle were suffering on that account. He requested that such a thing should not be allowed to continue.

MR. B. SRINIVASIENGAR of Anekal suggested that the number of cattle which each raiyat was allowed to graze in the State Forests might be entered in individual *khates* and necessary payment enforced as in the case of contributions for village works. He also suggested that whoever paid might be allowed to graze his cattle in State Forests, without waiting till all the raiyats of the village had paid the fees.

THE THIRD MEMBER OF COUNCIL observed that collection from individual raiyats was not a responsibility of Government. They had to insist upon realizing the lumpsum amount.

MR. SRINIVASIENGAR said that when a majority of raiyats paid, there was no reason why they should be prevented from grazing their cattle simply because a few more had not paid.

THE CHIEF CONSERVATOR OF FORESTS stated that the amount was fixed with reference only to one-half the total number of cattle in the village, and if the individual system was adopted, the raiyats would possibly have to pay more than they did at present.

THE DEWAN added that the abolition of hulbanni was not possible.

MR. SRINIVASIENGAR then requested that it might at least be reduced.

THE DEWAN replied that that was not the representation under consideration.

MR. TUDKI RAMANNA observed that recently State Forests had increased and there was not sufficient fodder available for cattle. He therefore suggested that free licenses should be granted for grazing them within the Forests.

THE CHIEF CONSERVATOR OF FORESTS replied that this could not be done.

No. 30.—Issue of free permits for the removal of wood necessary for agricultural implements from forests and the establishment of an agricultural colony.

Mr. K. Y. T. Venkatachaliah, Kankanhalli Municipality.

MR. VENKATACHALIAH prayed that free permits might be issued for the removal of wood required for agricultural implements from forests. He said that formerly the raiyats were allowed to remove such wood from State Forests; whereas it was now allowed only in District Forests.

THE THIRD MEMBER OF COUNCIL said that as a rule it was not being allowed in any of the State Forests.

THE CHIEF CONSERVATOR OF FORESTS said that at the time of the forest settlement such permission had been given in places where there were no District Forests; and it was not desirable to extend that concession.

MR. MIR MAHOMED represented that the proper kind of wood required for agricultural implements could not be found in the District Forests, and hence it should be made available from State Forests.

THE DEWAN observed that where District Forests did not afford this convenience, the question of allowing it in any State Forest near by would be considered when specific cases were brought to notice.

MESSRS. VENKATACHALIAH and V. V. IYER next represented that another colony might also be established on the lines of the Bhadra Colony scheme.

THE DEWAN replied that the request would be considered.

No. 31.—Disposal of unremunerative forests for cultivation.

Mr. Honnassiddayya, Magadi Taluk.

MR. HONNASIDDAYYA prayed that unremunerative forest areas which were large in extent might be thrown open for cultivation, as such a course would increase the prosperity of the raiyats and the revenue to Government and in the event of their eventual reservation they might at least be disposed of for cultivation temporarily for not less than ten years till the Forest Department could convert them into plantations.

MR. PUTTASWAMI GOWDA represented that in the Malvalli Taluk very little agricultural land was available. There was about 4,000 acres of forest area filled with lantana in Danugur. The same may be made available for cultivation.

MR. MARIYAPPA also preferred a similar request in respect of the Basavankote forest near Nagamangala.

THE THIRD MEMBER OF COUNCIL replied that, wherever it was possible to give such blocks for temporary cultivation, they would be made available, if particular cases were brought to notice.

No. 32.—Appointment of a professional Shikar for the district for employment throughout the district.

Mr. G. Channappa Setty, Sagar Taluk.

MR. G. CHANNAPPA SETTY prayed that as 75 per cent of the cattle in the Malnad were being killed by tigers thereby putting the raiyats to much difficulty and loss, a professional shikari might be appointed for the Shimoga District.

THE CHIEF CONSERVATOR OF FORESTS explained that under the existing rules licenses were required only for professional shikaries and sportsmen and not for shooting the wild animals doing damage to the crops or cattle.

THE THIRD MEMBER OF COUNCIL added that there was ample provision in the existing rules for destroying tigers doing damage to private property and there was no need to appoint a professional shikar.

MR. T. S. VENKAPPA of Sagar and other members of Malnad taluks represented that the difficulty for shikaries

arose only after the passing of the Game Regulation. The number of cattle destroyed by tigers and other wild animals in the Malnad was incalculable and the local people were not skilled enough to shoot them. It was therefore urged that either a professional shikari might be appointed for each district or a good Forest Ranger knowing the work of the shikar might be deputed for the work temporarily.

THE THIRD MEMBER OF COUNCIL observed that if at any time people found that the havoc of the tigers was noticeable, they might at once write to the Chief Conservator who would make necessary arrangements through the Deputy Commissioner for their destruction.

MR. M. L. NAGAPPA SETTY represented that the tigers were found in the Malnad parts at all times of the year and it was not possible to say exactly when their havoc was the greatest.

MR. BAGAMANE DEVA GOWDA pointed out that the passing of Game Rules was responsible for the extinction of professional shikaries in Malnad areas and the result was there was no remedy against the havoc wrought by wild animals to men and cattle. Taking Koppa, for instance, something like 15 to 20 cattle were being destroyed by tigers every month. The committee, on whose recommendations the Game Rules were passed, did more harm than good to the people. The members of that committee knew nothing of the difficulties experienced in the Malnad and it was wrong to have imposed restrictions on the strength of their recommendations. Under the existing rules if a man found a tiger actually killing a bullock or attacking another man, he had no power to go to a neighbouring hut, fetch a gun and shoot down the tiger unless he possessed a license himself. This was a great hardship to the people and it behoved Government to view the representation sympathetically.

THE DEWAN observed that, in such a case, it was not necessary for the man to possess any license at all.

MR. BAGAMANE DEVA GOWDA represented that the impression created by the Game Regulation and the rules framed thereunder was that in such cases also a license was necessary.

MRS. SAKAMMA pointed out that there was no law corresponding to the Game Regulation in the Coorg District. Whoever had a gun could shoot wild animals without taking out a license. The result was that a large number of cattle was saved, which should otherwise have been

destroyed by tigers. She thought that similar arrangements might be made in Mysore.

MR. B. GOPALACHAR requested Government to take statistics of cattle and men destroyed by wild animals year after year. He was of opinion that the Game Rules passed on the recommendation of an inexperienced committee should not have been applied to the Malnad at all. Formerly, rewards were being offered to persons killing tigers ; but that practice has now been altogether put a stop to. That system might with advantage be revived and special shikaries might be appointed in the Malnad, even though for a temporary period, till the present scare of tigers disappeared. Government would not be put to a large expense on this account, because they could realise some substantial amount by the sale of the skins of tigers.

THE DEWAN replied that the question of reviving the system of giving rewards for the shooting of tigers would be considered by Government.

While agreeing with the views of Mr. Gopalachar, MESSRS. DYAVAPPA GOWDA and PUTTASAMI GOWDA as also the members from the Sorab Taluk, represented that it was impossible for all people to become shikars and so it was necessary to appoint professional men for the purpose in the Malnad.

MR. MIR MAHOMED also supported the request of the grant of rewards as well as for the abolition of licenses.

MR. M. S. LINGE GOWDA represented that there were any number of Europeans and others in Bangalore who would only be too glad to go on a shooting excursion to the Malnad parts if only their actual expenses were defrayed.

MR. H. C. DASAPPA added that even that might not be necessary and it would be enough if free permission were given.

THE DEWAN replied that the whole question of what further facilities were required would be considered by Government.

No. 33.—Amendment of the Game Regulation.

Messrs. Bagamane Deva Gowda and B. P. Basappa Setty, Chikmagalur Taluk; Mande Patel Manje Gowda and M. Hutchegowda, Mudgere Taluk ; K. Thimme Gowda and Doddamane Halappa, Kadur Taluk ; C. Subbanna Naik, Koppa Taluk ; Settara Siddappa, Tarikere Taluk ; M. Abdul Aziz, Chikmagalur Municipality ; Ramappagowda, Chikmagalur Taluk ; Aramballi Puttegowda, Narasimharajapura Sub-Taluk and V. R Mudveeriah, Tarikere Municipality.

MR. BAGAMANE DEVA GOWDA prayed that the present Game Regulation prohibiting the shooting of wild animals,

such as tigers and leopards, might be repealed and the previous Regulation giving encouragement to such shootings restored. He said that the mere appointment of professional shikaries would not end the trouble of the raiyats. What was wanted was encouragement for the shooting of tigers, leopards and other kindred animals. This matter was being brought up during the previous four years continuously and it deserved the sympathetic consideration of Government.

THE DEWAN said that in regard to the shooting of leopards there was no restriction at all.

MR. MIR MAHOMED suggested that rewards should be offered for shooting leopards also because the havoc wrought by them was equally great.

MR. SUBBANNA NAIK represented that in practice restriction was imposed on the shooting of leopards as well. If free license was given to shoot tigers as well as leopards, it would help the people to a considerable extent. Tigers did not ordinarily remain in the same place for days together and it was necessary that wherever they were found, they should be shot at once. If need be, a committee might be appointed to go into this question.

THE DEWAN replied that no committee seemed to be necessary and whatever was possible would be done.

No. 34.—Removing Outalu, Kiri Ichalu and Bendu from the list of Minor Forest Produce.

Mr. H. Basavayya, Minority Interest.

MR. H. BASAVAYYA prayed that Outalu, Kiri Ichalu and Bendu grown in Government forests and lands might be removed from the list of minor forest produce and permission granted to the raiyats to remove them free.

He represented that such a concession would be very helpful to the poor people of the Depressed classes who otherwise had to wait for long periods to obtain the license.

After consulting the Chief Conservator, THE DEWAN replied that they would be removed from the list of minor forest produce in the District Forests.

No. 35.—Shifting of Toddy Shops outside towns.

Messrs. K Ramanna and Kattehalli Giddegowda, Hole-Narsipur Taluk; Bale Venkatasamayya, Hole-Narsipur Municipality.

MR. K. RAMANNA represented that the toddy shops now located in the heart of towns had not been shifted in spite of the representations made to Government both by the Municipality and the townspeople. He therefore prayed that the same might be done without delay.

THE FIRST MEMBER OF COUNCIL said that even if those shops were removed from the heart of the towns, no material advantage would be gained because all sorts of people would collect in the new places and indulge in drinking more freely. He admitted that there might no doubt, be some advantages but that there would also be fresh troubles along with them.

MR. DYAVAPPA GOWDA represented all the various inconveniences experienced by people by reason of the drunkards going about fully intoxicated along the public streets and being a menace to respectable people walking in the road. He, therefore, thought that it was necessary to remove the shops to a distance from the thickly populated areas.

THE FIRST MEMBER OF COUNCIL said that in respect of villages, arrangements had already been made to shift the toddy shops away and that it would not be so very easy to remove them similarly from the towns also.

He, however, said that instructions would be conveyed to avoid disturbance as far as possible in places where they were located.

MESSRS. TUDKI RAMANNA, MAHOMED IMAM, SEETHARAMIAH and several others spoke on the same subject agreeing with the views of Mr. Dyavappa Gowda.

MR. S. C. MALLIAH stated that if the shops were located in the midst of a village or town, that would facilitate the women and children of the poorer classes resorting to them. If, on the other hand, they were removed to a distance, it would for the most part dissuade a large number of people from going in search of the temptation, which itself would be of some advantage. He agreed that it was not quite possible to remove the shops from the midst of the towns and cities ; but in the villages if the villagers themselves wanted that the shops should be shifted, their wishes should be respected. He was afraid, that in spite of the statement of the First Member of Council, there were still any number of villages which had the toddy shops located in central places. He added that during the time of auctions it should be made clear to the auction purchaser that the toddy shops should not be opened within the village.

THE DEWAN said that the department had been issuing necessary instructions to the auction purchasers to open shops at a little distance from the villages and that similar instructions would be repeated during the future auctions also.

MR. J. R. ISAAC said that the main reason why drunkenness was increasing among the labouring classes was that toddy shops were located in the slums and in front of the mills and factories where the labourers were all working. He also said that whenever a memorial was got up for shifting a toddy shop from a particular locality, the signatories were mostly those who were addicted to drink. This, he said, was significant as showing that they wanted to shake off the temptation of drink.

He said that the present representation was a simple and harmless one, as it merely requested Government to shift the liquor shops outside the dwelling limits and hearts of the towns. Since Government were all along professing that they were sympathetic in temperance matters, he assured them that it would be a very good step forward to accept the representation and stimulate the temperance reform. Everybody knew that the toddy shops were a rendezvous to all kinds of questionable characters and formed a public nuisance on account of the brawls and the stench emanating from toddy, making the whole atmosphere stinking and unhealthy.

Although there were any number of rules and restrictions for the guidance of the Excise Officers, they were being observed more in the breach than in the observance, at any rate, so far as the cities and towns were concerned. Many a time the members of the Representative Assembly had brought to the notice of Government how arrack and toddy were allowed to be taken home late at night from the shops through the agency of women and children thereby violating the rules about the closing of shops at the stroke of 8. If the toddy shops were removed from the heart of the towns, he thought that the drink vice would considerably be reduced. He did not believe that Government would lose much by way of revenue either. In his opinion, the prime necessity now was that youngsters and women should not have easy access to the liquor shops.

MR. R. GOPALASWAMI IYER, who spoke next, said that not much good would result if shops were shifted outside the limits of towns or villages. If, on the other hand, strict orders were issued that the shops should be closed at the time fixed by the rules and that the liquor should not be sold to women and children, the reform that was required would be achieved more easily. He pleaded for a law prohibiting children from resorting to toddy shops and for the shifting of the shops from the vicinity of slum areas, mills and factories.

Mr. R. Gopalaswami Iyer was afraid that if the shops were located in the out of the way places and outside the municipal limits, it would necessarily entail extra expenditure to Government by way of Police force to guard the precincts of the shops. He thought that if only the Excise and the Police Departments worked hand in hand and saw that the shops were opened and closed at the appointed time and that liquor was not sold stealthily through the back-door, an appreciable reform would at once be effected. Until these things were done, he thought that it would be impossible to eradicate the drink evil from the land.

MRS. SAKAMMA thought that it would conduce to a healthy state of things only if shops were ordered to be located outside the villages and towns. When a labourer passed through a toddy shop after a day's hard labour, the first idea that would enter his head was to go to that shop and have a drink. Having had his first dose, he would again associate himself with another man and re-enter the toddy shop and take another drink. In this way by the time he returned home, he would spend away all his wages and in addition, he would in his intoxication beat his wife and children who were already starving at home. Much of these evils could, in her opinion, be avoided by removing the shops from the villages.

MR. H. C. DASAPPA said that the toddy shop area would always be very unhealthy for various reasons and that if once the principle that it was dangerous to locate the shop in the heart of a place was accepted, it would not be difficult to find a suitable place outside the village to locate the shop.

DHARMAPRAKASA D. BANUMAIYA said that the toddy shops in the Mysore City which were all in the very centre of the city should be removed to distant places.

CAPT. Y. V. AYYA said that while the Municipality were going on with all sorts of beautification schemes, it was unfortunate that toddy shops should be allowed to mar such improvements. He, therefore, thought that these shops should be removed as soon as possible to the outskirts of the town or city and located close by the Police stations.

MR. JATRA NAIK thought that the drink evil could not by any means be minimised by merely shifting the shop from the midst of a town or village, but that it could be done only by more effective steps to eradicate the habit altogether.

MR. M. S. LINGE GOWDA also thought that there was no use in shifting the shops to the outskirts of a town. Such

a step would only encourage the people who were drinking stealthily hitherto to go out openly to the liquor shop far away from their homes. Instead of that, he said that the hours of opening and closing of the shops should be rigorously enforced and a definte policy as to the location of the shops also laid down.

MR. USMON KHAN also agreed with the above view.

MR. B. GOPALACHAR said that toddy shops were at present opened at the instance of the Excise Department without consulting the Municipality at all. He thought that the Municipality also should be given a potent voice in the location of such shops.

DHARMAPRAVARTHA M. L. NAGAPPA SETTY said that if only Government were prepared to forego a part of their excise revenue and would not encourage the bidders at the excise sales, it would not be very difficult to put down the drink evil appreciably.

THE DEWAN said that the matter was not so simple as the speaker thought and that a little patience was required to reach the goal in view. He, however, said that every possible attempt would be made to keep shops as far from the heart of the towns as possible.

At this stage the Assembly rose for lunch and met again at 3-30 P.M.

MR. ABDUL AZIZ said that there were very many advantages in locating the shops outside the villages. It was necessary that the villages or towns should be kept in a healthy condition. But the toddy shops would always be a public nuisance of all manner of ways and the people coming out of such shops, being fully drunk, were also a menace to the passers-by in the road. The fear that Government would lose their revenue appreciably by locating the toddy shops outside towns or villages was not correct, for the reason that whether the shops were located inside or outside such villages or towns, people addicted to drink would anyhow go there and drink, but, in his opinion, the evil would be minimised if the shops were away from the towns or villages.

MR. SORAPPA thought that it was sufficient if toddy shops were shifted to about a furlong or so from villages or towns and that it was not necessary to take them farther away to a mile or two as suggested by some members.

In regard to wasteful expenditure on drink, he said that while the people spent money on drink in the evenings, there were lots of people who resorted to coffee hotels and spent much larger sums there and Government did not take any notice of the wasteful expenditure in that direction.

No. 36.—Toddy Shops.

Mr. M. C. Cheluvayya, Minority Interest, Mandya.

MR. M. C. CHELUVAYYA represented that Government had been doing so much to help the Adikarnatakas in various ways but the most important thing that remained to be done was to remove the toddy shops situated in their midst to a distant place. He therefore prayed that all toddy shops in villages might be located at a distance of a mile from the village limits.

THE DEWAN said that that was the general object kept in view.

No. 37.—Prohibition of the manufacture of Akkibhoja even for private consumption.

Messrs. Tudki Ramanna Gowda and H. Srinivasa Naik, Thirthahalli Taluk; V. V. Aiyar, Shimoga Taluk.

MR. TUDKI RAMANNA GOWDA represented that the manufacture of akkibhoja even for private consumption should be prohibited. He added that various poisonous drugs were mixed in the preparation of akkibhoja which caused certain very bad diseases among its users. He requested that the manufacture itself, whether for sale or for private consumption, should be put a stop to by legislation. At present, akkibhoja, he said, was manufactured only in Thirthahalli Taluk. He requested that the same measures as were at present adopted against the manufacture and sale of illicit arrack should be adopted in the case of akkibhoja also.

MR. MIR MAHOMED in opposing the representation said that akkibhoja was not at all a stimulant as stated by some of the members and that it was found to be quite necessary to use it during cold season. He was therefore of the opinion that the manufacture of akkibhoja for private consumption should not be prohibited.

THE DEWAN finally said that it was not possible to go from house to house and see whether akkibhoja was manufactured or not. How far private distillation could be prevented would however be examined.

No. 38.—Disposal of unremunerative date tree reserves for cultivation.

Mr. Honnasiddayya, Magadi Taluk.

MR. HONNASIDDAYYA represented that the area of date reserve in Magadi Taluk was 25·23 acres. As lands have been included in date reserves even though they contain five

or six plants per acre, it was prayed that the Revenue Department might be empowered to throw open unremunerative reserves for cultivation after spot inspection on condition of the grantees preserving the date trees in the lands granted to them.

THE FIRST MEMBER OF COUNCIL replied that rules in regard to the grant of lands included in date grooves for cultivation under "Dharkhast" rules had been revised and issued in Government Order dated 23rd August 1928 and added that cultivation would be allowed if the growth was not dense.

No. 39.—Income-tax.

Mr. Puttamadappa, Nanjangud Taluk.

People in the rural areas assessed to income-tax have been made to pay the tax on the rental value of all the houses they own. Well-to-do raiyats required at least four houses to keep their agricultural stock, etc. The system of the levy of income-tax on all the houses may be given up and concession shown to raiyats in villages.

MR. PUTTAMADAPPA represented as above and explained that even if the raiyats did not get any rent from the several houses built and owned by them mainly for agricultural purpose, were still assessed to income-tax on their rental value.

THE THIRD MEMBER OF COUNCIL replied that the houses actually occupied either by the proprietor or his servants actually engaged in agriculture were exempt from income-tax. But the rental value of any other house not so used was liable to income-tax.

MR. M. C. LINGE GOWDA said that even though no rent was derived by the owners, the houses were assessed to income-tax. He added that even buildings meant for cow-pens were assessed.

THE DEWAN stated that according to the law, only buildings used for the purpose of agriculture and not all houses *owned* by agriculturists were exempt from income-tax.

No. 40.—Excusing the penalty levied on insufficiently stamped documents presented for registration.

Mr. G. Channappa Setty, Sagar Taluk.

It was prayed that the penalty levied on insufficiently stamped documents presented for registration be excused.

MESSRS. G. CHENNAPPA SETTY and VENKAPPA represented that when an insufficiently stamped document was

presented for registration before the Sub-Registrar, the latter should be directed to recover only the deficient stamp duty and that he should not send the document to the Deputy Commissioner for impounding and levying penalty which at times amounted to ten times the actual stamp duty.

THE DEWAN said that if the representation was allowed, many documents might be insufficiently stamped.

DHARMAPRAVARTHA M. L. NAGAPPA SETTY represented that there might be a difference of opinion in regard to the nature of the document. A Sub-Registrar might hold one view and think that the document was insufficiently stamped. But, as a rule, no one executed a document on insufficiently stamped paper, and if at all that was done, it must be only through ignorance.

THE FIRST MEMBER OF COUNCIL replied that in such cases there was the Deputy Commissioner to guide and the party concerned might get advice from him. He added that ordinarily, unless it was considered to be a deliberate fraud, penalty to the extent of ten times the stamp duty was not levied.

MESSRS. N. V. NARAINMURTHI, RAMASWAMI, J. MAHOMED IMAM and LOKAHITHAISHI H.NANJUNDARAJ URS said that when a document was taken to the Sub-Registrar for registration and he was asked to say whether the stamp duty thereon was sufficient or not, he advised them to go to the Deputy Commissioner for advice when he himself was doubtful about the duty to be paid. In that case, there would be no penalty. But the only point for consideration was that if the Sub-Registrar found that the document presented for registration was insufficiently stamped, he should then take only the deficient duty, provided that he found that the document was compulsorily registrable and that there was no intentional fraud on the part of the party concerned in stamping it insufficiently, and not send the document straight away to the Sub-Division Officer for impounding.

MR. S. C. MALLIAH said that ordinarily there would be no properly informed document writers in a village and therefore necessarily some mistakes arose in properly affixing the amount of the stamp duty required. But such mistakes, he said, occurred even in the Registration Offices themselves. He therefore thought that wherever the Sub-Registrar found that a document was insufficiently stamped, he ought to be asked to take only the deficiency in the stamp duty and register the document.

THE DEWAN said that it was difficult to know whether the insufficiency was due to ignorance or otherwise. All documents would not go before Sub-Registrars and it was necessary to have a penalty provision for enforcing the law.

THE LAW SECRETARY TO GOVERNMENT then said that out of 100 documents executed, barely 5 or 6 came up before the Sub-Registrar for registration and very few of the rest saw the light of day unless they formed the subject of litigation. The Government thus had no means of knowing whether the remaining documents were either stamped insufficiently or not stamped at all even when they were required to be stamped. In this connection, he referred to the opinion of the High Court in the course of which it had been said that if all the documents requiring to be stamped had been duly stamped, their value would be sufficient to cover the cost of the entire judicial administration.

MR. VENKAPPA said that the order in regard to the penalty was passed without enquiry and that it was final. The result was that the man had no option but to pay it before registration. This, he said, was a very great hardship which could be obviated if the Sub-Registrar was empowered to recover only the deficiency in the stamp duty in the first instance.

THE DEWAN said that for a whole year the deficient stamp duty recovered was about Rs. 38,000 while the amount of penalty recovered was only Rs. 19,000. This was a fiscal law and if it had to be properly enforced, a penalty provision was necessary.

MR. B. GOPALACHAR pointed out that in the Madras Presidency the Sub-Registrars gave necessary advice to the parties concerned about the stamp duty when documents were taken before them for registration and requested that that practice might be adopted in Mysore also.

THE DEWAN said that enquiries would be made in regard to the practice obtaining in Madras but that it was not possible to waive penalty.

CAPT. Y. V. AYYA agreed that penalty was necessary but prayed that instead of levying a penalty amounting to ten times the actual stamp duty, it might be reduced to only twice that amount.

MR. H. K. MADAIYA suggested that if the Sub-Registrar could not be permitted to take only the deficient stamp duty, he might at least be permitted to reject the document, so that a sufficiently stamped document might be produced later.

This, he thought, would be much better than sending the insufficiently stamped document to the Sub-Division Officer for impounding.

THE INSPECTOR-GENERAL OF REGISTRATION said that there was the fear of his not bringing the document at all again.

In winding up the discussion, THE DEWAN said that the practice in Madras in such cases would be ascertained.

MR. S. C. MALLIAH also suggested that the Sub-Registrar might be instructed to reject the insufficiently stamped documents.

THE REVENUE COMMISSIONER thought that if that was done, every document would be rejected with the result that the parties themselves would be put to greater hardship. Further, there would be room for malpractice in the Registration Offices.

MR. S. C. MALLIAH then suggested that the penalty might be fixed at twice the amount of actual stamp duty. He added that if the Sub-Registrar levied more than the amount required by law, the Government should also be made to pay a similar penalty.

THE DEWAN said that that was not possible.

No. 41.—Head Gumasthas in Sub-Taluks to register documents.

G. S. Bayyanna, Gudibanda Sub-Taluk.

MR. G. S. BAYYANNA prayed that Head Gumasthas in sub-taluks might be empowered to register documents whenever the Deputy Amildars who were also *ex-officio* Sub-Registrars were absent from headquarters on tour. He added that if his representation could not be accepted, the Deputy Amildars might be empowered to register the documents during their tour.

THE FIRST MEMBER OF COUNCIL enquired whether the registration could not be made in the taluk headquarters at Bagepalli till the Gudibanda Sub-Taluk was converted into a pucca taluk. He added that it would not be possible to make the Deputy Amildar a touring Sub-Registrar.

LOKAHITHAISHI H. NANJUNDARAJ URS suggested as an alternative that in case where the limitation law applied, the Deputy Amildar, while on tour, might be empowered to accept the documents within the time and register them later on on his return to his headquarters. Such an arrangement he said would be of real help to the parties.

THE DEWAN stated that the suggestion would be considered.

No. 42.—Vedapatasalas.

Messrs. Rangaswami Setty, Magadi Municipality; Yajaman Veerappachari, Minority Interest.

It was prayed that a Vedapatasala might be established for all Hindus (1) at Magadi, and (2) at Bangalore.

MESSRS. RANGASWAMI SETTY and YAJAMAN VEERAPPACHARI represented as above.

THE DEWAN said that if private enterprise started a Patasala, Government would give a grant-in-aid according to rules.

No. 43.—Jewels in Muzrai temples.

Messrs. M. Subbayya, Seringapatam Municipality; S. Devayya and Sivananje Gowda, Seringapatam Taluk.

MR. M. SUBBAYYA represented that there were very old jewels in many of the temples which were unfit for use. Some jewels could be used only on special occasions. The Sub-Division Officers might be authorised to inspect all the jewels in the Muzrai institutions in their charges in the presence of the Dharmadarsis concerned, and dispose of by sale such of the jewels as were found to be unfit for use and retain such of them as were fit for use always and credit the sale proceeds to the respective institutions.

THE DEWAN said that enquiries would be made if the cases of such temples were brought to notice.

MR. SUBBAYYA mentioned among others the Gopalakrishnaswami Temple at Tonnur where there were lakhs of rupees worth of jewels and pearls.

MR. SORAPPA said that Dharmadarsis were not allowed to inspect the jewels at all.

THE THIRD MEMBER OF COUNCIL said that the procedure for the periodical inspection of all jewels for disposal and of jewels which were unfit for use in Muzrai institutions had already been laid down, according to which the Sub-Division Officers were required to inspect jewels of Muzrai institutions in their jurisdiction once a year at least and that they were expected to bear in mind the instruction of Government during their inspection and pick out the unserviceable jewels for disposal. He however added that the question of making such an examination of jewels in the presence of Dharmadarsis would be considered by Government.

No. 44.—Thulabhara of Jaggery.

Mr. Puttamadappa, Nanjangud Taluk.

The present restriction of offering *thulabhara* to the Srikanteswaraswami at Nanjangud in the temple premises and handing over both jaggery and *kanike* to the temple was causing much inconvenience and hardship to the devotees who visit the temple. It was requested that this restriction be removed and due publicity given to the fact of having done so both in and out of the State.

MR. PUTTAMADAPPA in representing the above observed that the Srikanteswaraswami Temple was known as "Dhakshinakasi" for a long time, that during the Rathotsava days not less than 50,000 people gathered and that according to the old mamool, *thulabhara* was done outside the temple and the *santarpane* on the banks of the river or elsewhere according to the pleasure of the devotees. But the latest order was that the jaggery should be given to the temple. Under the *mamool* arrangements the merchants would have made about Rs. 5,000 or Rs. 6,000 in the sale of jaggery. The temple, of course, did not get any appreciable income by this arrangement except through *kanike*. He therefore prayed that the restriction now imposed might be removed.

MESSRS. H. K. VEERANNA and M. C. LINGE GOWDA said that according to the *harake* the jaggery was to be distributed to the poor. But now, that jaggery was taken inside the temple and the same jaggery was again used for another devotee. This was certainly wrong and should not be allowed.

MR. SIDDALINGADEVARU graphically explained in detail the original practice under which the devotee had to go to any merchant in the town, weigh jaggery corresponding to his own weight, which he would utilise later on in preparing sweets and other things for distribution to the poor at the time of the *santarpane*. This was a religious custom and there was no reason why it should have been peremptorily changed. He prayed that the original practice should be enforced.

THE DEWAN said that instructions would be issued not to insist on *thulabhara* being made inside the temple and on the jaggery being handed over to the temple.

At this stage, the House adjourned for the day to meet again the next day at 12 NOON.